

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GENERAL INSURANCE COMPANY OF
AMERICA,

Plaintiff,

v.

BROAN-NU TONE LLC,

Defendant.

Case No. 1:21-cv-01342-JLT-SAB

ORDER RE: STIPULATED MOTION TO
MODIFY SCHEDULE TO CONTINUE
DISCOVERY DATES

ORDER DENYING *EX PARTE* APPLICATION
AS MOOT

(ECF Nos. 15, 16, 17, 18)

I.

INTRODUCTION

Plaintiff initiated this action in State Court in the County of Stanislaus on August 5, 2021. (ECF No. 1-2.) The matter was subsequently removed on September 7, 2021. (ECF No. 1.) A scheduling order issued in this action on November 22, 2021, setting among other deadlines, a nonexpert discovery deadline of March 15, 2023, and an expert discovery deadline of May 31, 2023. (ECF No. 11.)

On March 13, 2023, Defendant filed an *ex parte* application to amend the scheduling order, to extend the non-expert and expert discovery cutoff dates by six months. (ECF No. 15.) The *ex parte* application indicated immediate relief was required because, despite the parties' meet and confer efforts and general agreement as to the requested relief, Defendant was unable to timely procure an executed stipulation from Plaintiff. (Id.)

On March 14, 2023, the parties filed a stipulation to continue the discovery deadlines, which the Court construes as a stipulated motion to modify the schedule. (ECF No. 16.) The parties proffer good cause exists to grant the stipulated requested relief because discovery is currently ongoing and the parties need more time to conclude written discovery and coordinate depositions. The parties further proffer counsel for both parties are new to this matter, as the previous attorneys handling this matter have left their respective firms. Therefore, the parties seek additional time to further evaluate the matter, prepare further discovery, and to discuss settlement. Further, the parties note the pretrial conference is not scheduled until March 4, 2024, and no trial date has been set; therefore, the requested relief does not interfere with any other scheduling order dates.

The Court finds good cause exists to grant the parties' stipulated motion to modify the schedule. Furthermore, Defendant's *ex parte* application, which seeks the same relief, shall be denied as moot.

Accordingly, pursuant to the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that:

1. The parties' stipulated motion to modify the schedule (ECF No. 16) is GRANTED. The scheduling order is thus modified as follows:
2. Non-Expert Discovery Deadline: **September 15, 2023**;
3. Expert Disclosure Deadline: **October 3, 2023**;
4. Supplemental Expert Disclosure Deadline: **November 10, 2023**; and
5. Expert Discovery Deadline: **December 1, 2023**.
6. All other dates and aspects of the scheduling order (ECF No. 11), including the dispositive motion deadline of July 3, 2023 and pretrial conference date of March 4, 2024, shall remain in effect.

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7. Defendant's *ex parte* application (ECF No. 15) is DENIED as moot.

IT IS SO ORDERED.

Dated: March 14, 2023



UNITED STATES MAGISTRATE JUDGE